

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

LESLIE RATTET

Case Number:

1:S204CR417-03 (LAP) and

1:07cr289 (LAP)

USM Number:

46081-004

Christopher Bruno

Defendant's Attorney

THE DEFENDANT:

X pleaded guilty to count(s) One, Two and Three (04CR417) AND One, Six, Eight and Nine (07cr289)☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

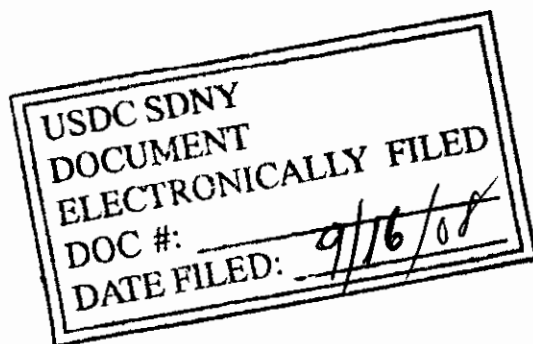
The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18USC371	Conspiracy to Commit Mail Fraud & Wire Fraud	11/03	One
18USC1341	Mail Fraud	3/10/03	Two
18USC1343	Wire Fraud	4/3/03	Three
18USC1349	Conspiracy to Commit Mail Fraud	4/04	One
18USC1341	Mail Fraud	4/04	Six, Eight and Nine

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s)

X Count(s)	<u>All Open</u>	<input type="checkbox"/> is	X are dismissed on the motion of the United States.
<input type="checkbox"/> Underlying	_____	<input type="checkbox"/> is	<input type="checkbox"/> are dismissed on the motion of the United States.
X Motion(s)	<u>Any Pending</u>	<input type="checkbox"/> is	X are denied as moot.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

September 12, 2008
Date of Imposition of Judgment

Signature of Judge

Loretta A. Preska, U.S.D.J.
Name and Title of Judge

Date

DEFENDANT: **LESLIE RATTET**
CASE NUMBER: **1:S204CR417-03 (LAP) and 1:07cr289 (LAP)**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **74 MONTHS**

☒ The court makes the following recommendations to the Bureau of Prisons:
That the defendant be designated to the Coleman Correctional Facility in Florida. The Court also recommends that the defendant be permitted to participate in the 500 hour drug treatment program.

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ ☐ a.m. ☐ p.m. on _____ .
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on _____ .
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
a _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 2A — Imprisonment

Judgment—Page 3 of 9

DEFENDANT: LESLIE RATTET
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ADDITIONAL IMPRISONMENT TERMS

1. During the period of incarceration, if the defendant is engaged in a BOP non-UNICOR work program, the defendant shall pay \$25.00 per quarter toward the criminal financial penalties. However, if the defendant participates in the BOP's UNICOR program as a grade 1 through 4, the defendant shall pay 50% of his monthly UNICOR earnings toward the restitution amounts, consistent with the BOP regulations at 28 C.F.R. 545.11. Any payment made that is not payment in full shall be divided proportionately among the persons named.

DEFENDANT: LESLIE RATTET

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : 3 YEARS TO RUN

CONCURRENTLY

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: LESLIE RATTET

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SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall provide the probation officer with access to any requested financial information.
2. The defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule.
3. The defendant shall participate in a program approved by the United States Probation Office, which program may include testing to determine whether the defendant has reverted to using drugs or alcohol. The Court authorizes the release of available drug treatment evaluations and reports to the substance abuse treatment provider, as approved by the Probation Officer. The defendant may be required to contribute to the costs of services rendered (co-payment), in an amount determined by the probation officer, based on ability to pay or availability of third-party payment.
4. The defendant shall not gamble, and he shall participate in a gambling treatment program approved by the United States Probation Office. The defendant may be required to contribute to the costs of services rendered (co-payment), in an amount determined by the probation officer, based on ability to pay or the availability of third-party payment.

DEFENDANT: **LESLIE RATTET**
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 700.00	\$	\$ 2,442,373.00

☐ The determination of restitution is deferred _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
See Attached			

TOTALS	\$	<u>\$0.00</u>	\$	<u>\$0.00</u>
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☐ Restitution amount ordered pursuant to plea agreement _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

United States v. Leslie Ratter, 04 Cr. 417 (LAP)
Restitution Chart

Last Name	First Name	Payee Name	Rattel Amount
Baker	James	James Baker	10,000
Blatt	Jeffrey M. & Kathleen J.	Jeffrey Blatt	20,000
Blouin	Robert C. & Susannah	Robert C Blouin	15,000
Bolt	James	William Bolt	265,508
Burch	Laren M	Patricia Schurman Gary	178,000
Burkhauser	Clarence	Clarence C Birkhauser	25,000
Camps	Timothy M	Camps	10,000
Carlson	James V.	James V Carlson	46,430
Dash	Wallace S.	Wallace Dash	7,500
Dave	Bharal	Bharal Dave	28,500
Degner	Michael & Oleta	Michael J Degner	93,500
Dorsey	William C.	William Dorsey	57,750
Hoffman	Richard A. Hoffman Living Trust	Richard Hoffman	10,000
Honchell	Jerry & Alice	Gerold Honchell	23,500
Matza	Richard	Matza Richard	105,000
Matza	Richard	BMR Trust	60,800
Moreagne	Walker L. & Maxine	Moreagne Walker	54,800
Roper	Patricia Ann	Patricia Ann Roper	15,000
Schoppa	Elroy	Elroy Schoppa	15,000
Senenko	Robert	Robert Senenko	10,000
Shepherd	Steve	Shepherd Steve	20,000
Sherwin	George	George Sherwin	123,000
Sherwood	Howard	Howard Sherwood and Co.	286,015
Turner	Dennardo	Turner Daniel	15,000
Turner	Arthur	Turner Deborah J	15,000
Unger	Gerald	Gerald Unger	45,000
Wagner	Scott	Wagner Scott	30,000
Wagner	Gary	Wagner Janet	18,000
Wagner	Gary	Stanley C & E Mae Teel Trust	27,650
Wagner	Gary	Teel	30,000
Wiebe	Henry & Evelyn	Henry Wiebe	99,000
Winn	James A. & Juanita B.	J J Winn Family	35,500
Woodbury	John Bryce	Woodbury Bryce	20,000
			1,815,553

The defendant shall make restitution payable to the Clerk, U.S. District Court, for disbursement to the following victims of case number 07 CK 289(LAP), in the following amounts:

LAST NAME	FIRST NAME	LOSS
Bauroth	Edwin	\$12,858
Boehle	Eugene	\$12,868
Brooks	Demetrius	\$12,358
Caceres	Gloribel	\$12,858
Chirayil	Sebastian	\$12,858
DeWolf	Francis	\$12,858
Felder	George	\$12,858
Fink	Ken	\$12,358
Hartman	Tom	\$46,425

Hnatiw	Paul	\$22,870
Hoeyberghs	Kathy	\$23,370
Hulett	Kenneth & Helen	\$7,700
Jackson	Odufuyi	\$12,858
Jones	Richard	\$23,370
Khounlo	Eric	\$18,570
Kostyk	Joseph	\$12,358
Lyubomirsky	Sam	\$4,266
Mann	Amrita	\$23,370
Mayo	Mike & Kristina	\$23,370
Metha	Ronald	\$51,870
Metzger	Robert	\$36,140
Michaud	Joe	\$12,858
Miller	Kevin	\$23,370
Outlaw	Sylvia	\$12,858
Parks	Randolph & Gail	\$11,185
Powell	Sandra	\$12,858
Ray	Sherry	\$23,370
Rivers	Keith	\$12,858
Roberts	Robert	\$11,685
Roland	Stan	\$12,858
Romero	Zina	\$12,858
Tavakolain	Emin	\$12,358
Terflinger	Zach	\$12,858
Thomas	Sheryl	\$23,370
Williams	Don	\$9,885
Young	Deanna	\$13,180
TOTAL		\$626,820

DEFENDANT: LESLIE RATTET
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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 700.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of _____ over a period of _____ (e.g., months or years), to _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of _____ over a period of _____ (e.g., months or years), to _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time;
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
 The defendant shall make payments beginning 30 days after his release. Payments shall be made at a rate of no less than 10% of his gross monthly income. Payments shall be made to the Clerk of the Court, Southern District of New York, 500 Pearl Street, New York, NY 10007.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

X Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, and corresponding payee, if appropriate.

Dean Lucas 04cr417-01 (LAP), Frederick Fazio 04cr417-02 (LAP), Sean Murphy 04cr417-04 (LAP), and Randall Byrom 04cr417-05

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- X The defendant shall forfeit the defendant's interest in the following property to the United States:
 \$1,815,553.00

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.